

OFFICIAL GAZETTE



GOVERNMENT OF GOA

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Department of Law & Judiciary

Legal Affairs Division

Notification

10-4-99/LA

The following Notification received from the Government of India, Ministry of Home Affairs, New Delhi, is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 1st March, 1999.

MINISTRY OF HOME AFFAIRS

New Delhi, the 19th December, 1997

G. S. R. 1.— In exercise of the powers conferred by Section 44 of the Arms Act, 1959 (54 of 1959), the Central Government hereby makes the following rules further to amend the Arms Rules, 1962, namely:—

1. (1) These rules may be called the Arms (Amendment) Rules, 1997.

2. They shall come into force on the date of their publication in the Official Gazette.

2. In the Arms Rules, 1962 (hereinafter referred to as the said rules) in rule 47, for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4) The depositor may be charged a fee for the custody of the articles deposited at the following rates:

1. For each firearm—Fifty rupees per year or portion thereof.
2. For every other weapon or package of ammunition.—Rs. 25 per year or portion thereof.

Any extra charges for maintenance of the articles in good condition may be levied at such rates as may be fixed from time to time by the State Government.”

3. In the said rules, in rule 57,—

(i) in sub-rule (1), for clause (a), the following clause shall be substituted, namely:—

“(a) Every licence granted or renewed under these rules shall, save as herein otherwise expressly provided, be chargeable with the fee (if any) specified in Schedule—IV.”;

(ii) in sub-rule (2), in clause (b), for letters and figure “Rs. 5” the letters and figure “Rs. 100” shall be substituted.

4. In the said rules, in rule 58,—

(i) in clause (a), for letters and figure “50 np” the letters and figure “Rs. 50” shall be substituted;

(ii) in clause (b), for the words “one rupee” the letters and figure “Rs. 100” shall be substituted.

5. In the said rules, in rule 59,—

(i) in clause (a)—

(a) for letters and figure “Rs. 10” the letters and figure “Rs. 100” shall be substituted,

(b) for letters and figure “Rs. 5” the letters and figure “Rs. 50” shall be substituted;

(ii) in clause (b), for letters and figure “Rs. 5”, the letters and figure “Rs. 50” shall be substituted.

6. In Schedule III,—

(i) in Forms I, II, III(A), IV, V, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX, XX, XXI, and

XXII, the word fee and entries relating thereto shall be omitted;

(ii) for Form III, the following form shall be substituted, namely,—

"Form III

Licence for the acquisition, possession and carrying of arms or ammunition for sport/protection/display*

I. The fees payable in respect of the initial grant and each subsequent year of grant or renewal of licences in this Form shall be at the rates as shown against Sl. No. 3 under Schedule IV.

II. The reduced fees for renewal will ordinarily be available only if application for renewal is made within one month after the date of expiry of the licence and if application is not made within that period, the licensing authority may in his discretion, levy—

(a) Full fee as for initial grant of the licence; and

(b) if he is satisfied that the delay is not justifiable or excusable, not serious enough to warrant revocation of the licence or prosecution of the licensee, a late fee not exceeding the amount of the licence fee if fee is charged, or Rs. 100 in other cases, unless he considers it not necessary to renew the licence.

III. Where a licence in this Form is granted or renewed for a period exceeding one year, the fee shall be calculated at the rates prescribed against Sl. No. 3 under Schedule IV, fractions of a year being reckoned as one whole year for the purpose:

(i) Provided that the fee shall be—

(a) The actual rates prescribed against Sl. No. 3 under Schedule IV for initial grant in respect of the first year; and

(b) The annual rate prescribed against Sl. No. 3 under Schedule IV for renewal in respect of each year or part thereof beyond the first year.

Serial No. of licence	Name, description and residence of licensee	Arms and ammunition that licensee is entitled to possess			Name, father's name and address of retainer (if any) covered by the licence
		Brief description of each weapon with details e.g. identification marks, register number, etc.	Quantity & description of each kind of ammunition		
			to be possessed at any one time	purchaseable during the year	
1	2	3	4	5	6

Arms or ammunition that retainer is entitled to possess		Area within which the licence is valid	**Date on which licence expires	Date on which the licence or the arms or both shall be produced for inspection before licensing authority under Rule 52(2)
Arms	Ammunition			
7	8	9	10	11

The _____ of _____ 19 _____

(SEAL)

Name (in capitals)/Signature of the licensing authority
Designation
Place

OR

Signature of the officer specially empowered to sign the licence under rule 4
Designation
Place

*The inappropriate term(s) should be deleted. The word "Tourist shall be stamped across a licence issued under entry 3(c)(c) of Schedule II.

**Provided that where a licence is granted in forms III, IV, V or VI for the possession of arms to be acquired by the licensee subsequent to the grant of the licence, the authority granting the licence shall at the time of granting the same, direct that within a period specified by him in this behalf which he may from time to time extend, the arms covered by the licence shall be acquired and that the licence or the arms or both shall be produced for his inspection, and if within the period so specified or extended the licensee fails to acquire the arms and to produce the licence or the arms or both, as the case may be, the licence shall cease to be in force.

Form of Renewal of the Licence

Date and year of renewal	Date on which renewed licence expires	Name (in Capitals)/ Signature and designation of the renewing authority	Signature and designation of the Officer specially empowered to sign the licence under rule 4	Seal
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CONDITIONS

1. This licence is granted subject to all the provisions of the Arms Act, 1959 and of the Arms Rules, 1962.

2. It covers only the person named, and the arms or ammunition described therein and such retainers (if any) as may be entered in column 6.

Provided that if the licensee is a recognised shikar agent in possession of a certificate to that effect from the Central Government he shall be able to lend his weapons covered by his licence for use by any foreign tourist accompanying him and in possession of a shooting licence under the local games rules, valid for the area where shooting by the latter is intended:

Provided further that the licensee shall be able to lend his weapon temporarily for a period not exceeding a fortnight for the purpose of sport only to a person lawfully entitled to possess such type of weapon and subject to the conditions that:

(a) the weapon is used by the borrower in the presence of the licence holder or under his written authority, which shall show the number and other identification marks of the weapon and the period for which it is lent;

(b) in the event of the weapon being misused by, or stolen or lost due to the gross negligence of, the borrower the licence thereof shall be liable to be revoked; and

(c) the borrower shall, on demand, produce proof of such lending.

3. If the licensee is a bona fide foreign tourist, the word "TOURIST" shall be stamped on his licence by the licensing authority.

4. This licence is valid to the extent specified in column 9 subject, in the case of a licence having effect in any area outside the State in which it is granted or renewed, to any restrictions which may be imposed in such area by any general or special order of the Central Government.

5. The licensee or any retainer acting under this licence shall not carry any arms covered thereby otherwise than in good faith for the purpose of sport/protection/display and, save where he is specially authorised in this behalf by the district magistrate concerned, he shall not take any such arms to a fair, religious procession or other public assemblage (or within the campus or precincts of any educational institution).

6. The licensee, at the time of purchasing any arms or ammunition shall cause the following particulars to be endorsed upon his licence under the vendor's signature, namely—

(a) the name, description and residence of the person who takes delivery of the articles purchased;

(b) the nature and quantity of the articles purchased; and

(c) the date of purchase;

and if the arms or ammunition are purchased from any person other than a licensed dealer, shall also cause the particulars specified in clauses (b) and (c) to be furnished in writing to the authority who granted this licence within such period as may be prescribed for this purpose by such authority. No purchase of ammunition shall, however, be permitted except on written certificate from the licensee certifying that with the amount proposed to be purchased, the total quantity of ammunition in his possession will not exceed the maximum which he is entitled to possess at any one time, or his total allowance for the year.

7. He shall not purchase ammunition of any kind in excess of the maximum which may from time to time be fixed by the Central Government. Such maximum may be prescribed both for the amount purchasable in a calendar year and for the amount that may be possessed at any one time. If, however, a licensee exhausts the total quantity of ammunition purchasable in a year earlier than the close of the year, he may for good and sufficient reasons be given a temporary increase in the total quantity purchasable at the discretion of the licensing authority.

8. He shall not possess Government arms and ammunition.

Explanation— For the purpose of this condition—

(a) "Government arm" means a firearm or other weapon which is the property of the Government; and

(b) "Government ammunition" means ammunition manufactured in any Government factory, or prepared for and supplied to Government other than such ammunition as may be released by Government for civilian use.

9. The licensee shall—

(a) on demand by an authorised officer produce the arms possessed under this licence;

(b) not sell or transfer any arms or ammunition or any part thereof covered by this licence to any person not lawfully entitled to possess them;

(c) forthwith give information at the nearest police station of the loss or theft of any arms or ammunition covered by this licence; and

(d) give prior intimation to the licensing authority concerned of his intention to break up or dispose of any firearms or ammunition or any part thereof (otherwise than as mentioned in note below); failing which, proof of the articles having been broken up or disposed of will have to be furnished to the satisfaction of the licensing authority.

10. Condition 8 may be cancelled by the authority granting the licence if empowered to do so by the Central Government, and an endorsement added showing the Government arms or ammunition which the licensee is authorised to possess.

11. Where the licence is granted for the purpose of sport, the licensee or any other retainer or any foreign tourist or other person referred to in the proviso to condition 2 or any other person using the weapon under the licence shall observe such close season as may be prescribed by the State Government concerned in respect of the gamebirds and animals.

12. (a) The licensee may, at his option apply to the nearest licensing authority having jurisdiction for renewal of the licence as and when it becomes necessary.

(b) If a person who holds a licence in form III changes his place of residence, permanently, or temporarily for more than thirty consecutive days, and carries with him the weapon covered by the licence, to a place other than that indicated in column 2 of the licence, he shall (within thirty days of such change), send intimation about such change to the licensing authority of the place of his new residence as well as to the authority which granted the licence or last renewed it, as the case may be, and shall, on demand, forthwith produce the licence and the weapon to the first mentioned authority for making necessary entry in the licence to indicate therein the particulars of the new residence of the licensee.

13. Without prejudice to the voidance of this licence for breach of any of the foregoing conditions, it shall be void if—

(a) the licensee dies, or

(b) any weapon covered thereby—

(i) is sold, or transferred, or

(ii) is attached in execution of a decree;

Provided that where a weapon is sold or transferred the licensing authority may permit the holder of the licence to acquire a fresh weapon of the same description within such period as may be specified by him in this behalf and subject to—

(a) the production of the weapon so acquired or the licence or both before the aforesaid licensing authority for inspection as required under sub-rule (2) of rule 52, and

(b) the payment of the prescribed licence fee in respect of the weapon so acquired.

14. The authority granting or renewing the licence has the right to enquire at any time during the currency of the licence whether the weapon or weapons for which it has been granted is or are still in the possession of the licensee and to require its or their production for the purposes of such enquiry.

NOTE 1.— Any breach of the conditions of this licence is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 2,000/- or with both (section 30 of the Act).

NOTE 2.— Licensees are warned that in case they sell or transfer any arms or ammunition covered by the licences possessed by them to any person, they shall forthwith inform in writing the district magistrate having jurisdiction or the officer-in-charge of the nearest police station of such sale or transfer, together with the particulars of the firearms and ammunition and the person to whom they have been sold or transferred (section 5 of the Arms Act, 1959). Failure to give such information is punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both [section 25(3), of the Act].”

[No.V-11026/143/93-ARMS]

AJIT SINGH, UNDER SECY.

FOOT NOTE:

The principal rules were noticed vide G. S. R. No. 987 dated the 13th July, 1962 and were subsequently amended vide the following notifications:

1. GSR 326 dated 30-1-1963
2. GSR 633 dated 23-4-1965
3. GSR 1006 dated 16-7-1965
4. SO 1461 dated 22-4-1967
5. GSR 266 dated 7-2-1969
6. GSR 2475 dated 22-10-1969
7. GSR 1689 dated 9-9-1970
8. GSR 278 dated 17-2-1975
9. GSR 733 dated 1-7-1975
10. GSR 462 (E) dated 11-8-1976
11. GSR 1242 dated 11-8-1976
12. GSR 695 (E) dated 8-8-1987
13. GSR 52 (E) dated 24-1-1989
14. GSR 404 (E) dated 28-3-1990
15. GSR 755 (E) dated 18-10-1994

SCHEDULE IV

(See rule 57)

Fees payable for licences

S. No.	Form No.	Licence fee for initial year of grant (In Rs.)	Renewal fee for each subsequent year (In Rs.)
1	2	3	4
1.	I	150	50
2.	II	50	10
3.	III		
	(a) Pistols, revolvers and repeating rifle	100	50
	(b) Rifles other than those mentioned in (a) and (c)	60	30
	(c) .22 bore rifle (low velocity) firing rimmed cartridges, BL gun and air-rifle.	40	20
	(d) ML gun, air gun, sword, bayonet, dagger and spearlance.	10	05
	(e) Weapons of category V other than those mentioned in (d).	—	—

1	2	3	4
4. III-A		—	—
5. III-B		—	—
6. IV		—	—
7. V		—	—
8. VI			
(a) Pistol or Rev.		100	50
(b) Rifle other than those mentioned in (c)		60	30
(c) .22 bore rifle (low velocity) firing rimmed ctdgs. BL gun or rifle.		40	20
(d) ML gun or air-gun		10	05
9. VII	20 (for each weapon)		—
10. VIII	20 (for each weapon)		—
11. IX		500	200
12. X			
(a) to a holder licence in form-IX		—	—
(b) to others		200	100
13. XI		300	200
14. XII		300	200
15. XIII			
(a) To the holders of a licence in form IX		—	—
(b) For arms of Cat. V only		50	100
(c) Otherwise		100	100
16. XIV	—	—	
17. XV			
(a) Firearms and ammun.		100 (for single weapon) 500 in other cases (i.e. consignment of more than one weapon and of ammunition.)	
(b) Arms of Cat. V (where a licence is required)		50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition.)	
(c) For sulphur imported under Rule 57 (5)		—	—
18. XVI			
(a) Firearms and ammun.		100 (for single weapon) 500 in other cases (i.e. consignment of more than one weapon and of ammunition.)	
(b) Arms of Cat. V		50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition.)	

1	2	3	4
19. XVII			
(a)	Firearms and ammun.	100 (for single weapon) 500 in other cases (i.e. consignment of more than one weapon and of ammunition.)	
(b)	Arms of Cat. V	50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition.)	
20. XVIII			
(a)	Firearms and ammun.	100 (for single weapon) 500 in other cases (i.e. consignment of more than one weapon and of ammunition.)	
(b)	Arms of Cat. V	50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition.)	
21. XIX			
(a)	Firearms and ammunition	100 (for single weapon) 500 in other cases (i.e. consignment of more than one weapon and of ammunition.)	
(b)	Arms of Cat. V	50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition.)	
(c)	For re-export and re-import under Rule 35	50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition.)	
22. XX			
(a)	Firearms and Ammun.	100 (for single weapon) 500 in other cases (i.e. consignment of more than one weapon and of ammunition.)	
(b)	Arms of Cat. V	50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition.)	
(c)	Where the arms or ammunition are transported fore re-export and re-import under Rule 35.	50 (for single weapon) 100 in other cases (i.e. consignment of more than one weapon and of ammunition.)	
23. XXI			
24. XXII		50 (for each weapon)	

Government Printing Press

Notice

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